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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-208744.2

DATE: July 14, 1983

MATTER OF: S.A.F.E. Export Corporation--Request for Reconsideration

DIGEST:

Prior decision is affirmed where request for reconsideration does not raise any new facts or legal arguments which show that prior decision was erroneous.

S.A.F.E. Export Corporation requests reconsideration of our decision, S.A.F.E. Export Corporation, B-208744, April 22, 1983, 83-1 CPD 437. In that decision, we denied S.A.F.E.'s protest of the contracting officer's determination that S.A.F.E. was nonresponsible and the resulting rejection of its quotation for an intrusion detection system and its installation in General's quarters, Verona, Italy.

In the decision we upheld the contracting officer's nonresponsibility determination which was based on data supplied by another procurement activity. This data showed that S.A.F.E. had significant problems performing prior contracts, that it had suffered four default terminations and that it had been determined nonresponsible on several prior occasions because of its poor performance record and apparent lack of facilities.

S.A.F.E. disputes our conclusion that this data was sufficient to support the contracting officer's determination. S.A.F.E. argues that terminations for default alone are not necessarily a basis for rejecting a firm as nonresponsible and that the contracting officer improperly relied on negative information from a distant contracting activity while ignoring more positive data available from nearby contracting activities.

We agree that prior default terminations do not necessarily require rejection of a firm as nonresponsible. Our decision, however, was not based on that premise. We merely stated that "a termination for default

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is a proper matter for consideration in determining bidder responsibility despite a pending appeal. Environmental Growth Chambers, B-210333, October 8, 1981, 81-2 CPD 286." The contracting officer's determination was based on those default terminations, as well as S.A.F.E.'s prior poor performance under other contracts and evidence that S.A.F.E. did not have adequate facilities. The other arguments raised here were also raised by S.A.F.E. during the course of its protest and will not be considered again.

Since S.A.F.E. has not shown any error of fact or law in our prior decision, it is affirmed. Tom Shaw, Inc.- Reconsideration, B-209018.2, March 22, 1983, 83-1 CPD 285.

for *Harry R. Van Cleave*
Comptroller General
of the United States